

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed June 21, 2004. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 102(e)**

Claims 1-12, 15-23, and 26-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Murakami (U.S. Pat. No. 6,636,145). Applicant respectfully traverses this rejection.

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” W. L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e). In the present case, not every feature of the claimed invention is represented in the Murakami reference.

#### **A. The Murakami Disclosure**

Murakami discloses a vehicle sharing system and method. According to Murakami, a user desiring to obtain the use of a vehicle arrives at a port facility, enters a request for a vehicle, and provides other information including information as to the intended destination. Murakami, column 7, lines 5-8. A computer system at the port facility then selects a vehicle for the user based upon the provided information (Murakami, column 8, lines 12-16), and the vehicle is allocated to the user (Murakami,

column 9, lines 57-60). This allocation includes sending the user's identification information to the vehicle. Murakami, column 11, lines 32-36.

At this point, the user can swipe a card key past a card reader mounted on the vehicle to attempt obtain access to the interior of the vehicle. Murakami, column 11, line 47-50. Assuming that the information contained on the card key is correct, the user is allowed access to the vehicle. Murakami, column 11, line 66 to column 12, line 3. At this point the user can enter the vehicle. As is described by Murakami (column 12, lines 12-17, emphasis added):

*After gaining access to the vehicle*, the user enters the vehicle and closes the vehicle door, step 84. *The user is provided with an opportunity to enter a PIN* in a user interface and display device mounted, for example, in the center console, dashboard or overhead console of the vehicle.

An example of the "user interface" within the vehicle interior is shown in Figure 13.

Assuming the entered PIN is correct, the user is then free to use the vehicle. Murakami, column 12, lines 39-40.

## **B. Applicant's Claimed Inventions**

Applicant claims methods and systems for permitting a user to use a resource, such as an automobile. Applicant discusses each of independent claims 1, 16, and 27 separately in the following.

## 1. Claim 1

Claim 1 provides as follows (emphasis added):

1. A method for permitting a user to temporarily use a resource, comprising:

receiving user identity information with an external identity confirmation device of the resource prior to providing access to the resource;

receiving a user code with an *external security device* of the resource ***prior to providing access to the resource***;

confirming the eligibility of the user to use the resource relative to the identity information and the user code;

providing the user with access to the resource;

monitoring and recording information about use of the resource with a monitoring system of the resource; and

obtaining resource use information from the resource monitoring system of the resource.

As is apparent from the plain meaning of claim 1, Applicant claims a method in which a user code must be received by an “external security device” of the resource “prior to” the user accessing the resource. Murakami anticipates no such method. Instead, as described above, Murakami only discloses a method in which a PIN is provided by the user “after gaining access to the vehicle.” Murakami, column 12, lines 12-17. Specifically, the user enters the vehicle, closes the door, and enters the PIN in a “user interface and display device mounted, for example, in the center console, dashboard or overhead console of the vehicle.” Id. Accordingly, Murakami anticipates neither an “external security device” that can receive a user code, nor the process of receiving a user code “prior to providing access to the resource”.

Applicant notes that the above-described distinction between Applicant's claimed method and that described by Murakami is significant. Among other things, requiring the user to enter a PIN prior to providing the user with access to the resource would prevent a user who improperly obtained another's identity card from gaining access to the vehicle. In contrast, a person having another's card key would be able to enter a vehicle in the Murakami system.

At least in view of the above, Murakami does not anticipate Applicant's claim 1. Applicant therefore respectfully submits that the rejection should be withdrawn.

Applicant further notes that it would not have been obvious to a person having ordinary skill in the art to require a user to enter a user code in an external security device in view of the teachings of Murakami. Specifically, given that Murakami already anticipates entry of a PIN and specifies a particular way and means for entry of the PIN, a person having ordinary skill in the art would have no motivation to provide the described security device external to Murakami's vehicle. Indeed, to do so would be to contravene Murakami's explicit teachings to the contrary.

## 2. **Claim 16**

Turning next to claim 16, Applicant claims the following (emphasis added):

16. A method for permitting a user to temporarily use an automobile, comprising:

receiving identity information from a user identity card with a card reader provided on the exterior of the automobile;

*receiving a user code with a security device provided on the exterior of the automobile;*

*unlocking the automobile doors in response to receiving a user code* that correctly corresponds to the identity card; and

permitting the automobile engine to be started once the user identity card is received by a *card reader located inside the automobile.*

As described above, Murakami only teaches receiving a PIN with a device within the interior of a vehicle, after the vehicle has already been accessed by the user. Accordingly, Murakami fails to anticipate “receiving a user code with a security device provided on the exterior of the automobile” or “unlocking the automobile doors in response to receiving a user code that correctly corresponds to the identity card” as are both required by claim 16.

As a further point, Applicant notes that Murakami does not teach or suggest “permitting the automobile engine to be started once the user identity card is received by a card reader located inside the automobile” as is also required in claim 16. Instead, as noted above, Murakami states that, assuming the entered PIN is correct, the user is then free to use the vehicle. See Murakami, column 12, lines 39-40. No further action is required.

Although the Office Action identifies several portions of the Murakami reference in support of the notion that Murakami does in fact teach using an identity card to start a vehicle once access to the vehicle has already been gained, an even cursory review of those portions of the reference reveals that Murakami discloses no such process.

At least in view of the foregoing, Murakami does not anticipate Applicant’s claim 16. Applicant therefore respectfully submits that the rejection should be withdrawn.

### 3. Claim 27

Next, regarding claim 27, Applicant claims (emphasis added):

27. An access/monitoring system adapted for use in an automobile that can be made available for temporary use by a user, the system comprising:

a central controller;

an identity confirmation device provided on an exterior of the automobile that determines the identity of the user;

*a security device provided on an exterior of the automobile that confirms the identity of the user; and*

a monitoring system capable of recording use conditions of the automobile.

In regard to this claim, Applicant notes that, as is described in the discussion of claims 1 and 16 above, Murakami does not disclose *both* “an identity confirmation device provided on an exterior of the automobile that determines the identity of the user” *and* “a security device provided on an exterior of the automobile that confirms the identity of the user”. Specifically, if Murakami’s card reader 196 (Figure 6) is relied upon as accounting for Applicant’s claimed “identity confirmation device provided on an exterior of the automobile”, then Murakami fails to teach a separate “security device provided on an exterior of the automobile that confirms the identity of the user”. Applicant notes that these two limitations are independent of each other and therefore must be separately accounted for.

At least the above in view of, Murakami does not anticipate Applicant’s claim

27. Applicant therefore respectfully submits that the rejection should be withdrawn.

## II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 13-14, 24-25, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Murakami in view of Schuermann (U.S. Pat. No. 5,552,789). Applicant respectfully traverses this rejection.

As is identified above in reference to independent claims 1, 16, and 27, Murakami fails to teach several explicit elements of Applicant's claims. In that Schuermann does not remedy those deficiencies of the Murakami reference, Applicant respectfully submits that claims 13-14, 24-25, and 32, which depend from claims 1, 16, and 27, respectively, are allowable over the Murakami/Schuermann combination for at least the same reasons that claims 1, 16, and 27 are allowable over Murakami.

As a further matter, Applicant notes that neither Murakami nor Schuermann teaches "*providing a transaction summary to the user* once the user terminates resource use" as is recited in claims 13 and 24. Moreover, neither Murakami nor Schuermann teaches a system "for use in an automobile" that includes a "*printing device* that provides the user with a summary of use information" as is recited in claim 32. If Applicant is mistaken on these points, Applicant respectfully requests the Examiner to explicitly identify the relevant portions of Murakami or Schuermann that teach or suggest those aspects of Applicant's claimed inventions.

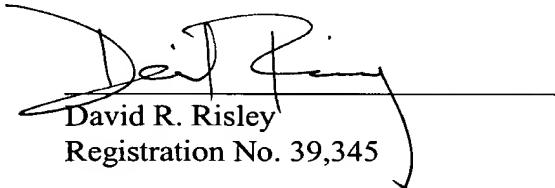
## III. New Claims

As identified above, claims 33-45 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

## CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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David R. Risley  
Registration No. 39,345

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Alexandria, Virginia 22313-1450, on

8-19-04

Mary M. Legan  
Signature